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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

AARON DAVID KIRSCHNER,

Defendant.

Case No. 2:22mj193 JCB

FELONY COMPLAINT SEALED

COUNT I

Violation of 18 U.S.C. § 875(c)  
(Interstate Threats)

COUNT 2

Violation of 18 U.S.C. § 875(c)  
(Interstate Threats)

COUNT 3

Violation of 18 U.S.C. § 2261A(2)  
(Cyberstalking)

Judge Jared C. Bennett

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Before the Honorable Jared C. Bennett, United States Magistrate Judge for the  
District of Utah, appeared the undersigned, who on oath deposes and says:

**COUNT I**

18 U.S.C. § 875(c) (Interstate Threats)

On or about March 24 through March 25, 2022, in the District of Utah,

AARON DAVID KIRSCHNER,

the defendant herein, knowingly and willfully did transmit in interstate and foreign commerce, by using emails that have been routed through interstate commerce to the state of Utah, to Person A, a threat to injure Person A, to wit it stated: “Just bought you might want to know that you are the direct cause off 3 more bodies... mine and whomever I happen to see comedown my drive” and “8 you will immediately have any pending police intervention canceled, Any deviation will result in your body count increasing” and “Oh wait I forgot if you are not at the operators desk when I call then you had god better not show up ever again because I have no problem putting a bullet in your head”: all in violation of 18 U.S.C. 875.

**COUNT II**

18 U.S.C. § 875(c) (Interstate Threats)

On or about March 27, 2022, in the District of Utah,

AARON DAVID KIRSCHNER,

the defendant herein, knowingly and willfully did transmit in interstate and foreign commerce, by using emails that have been routed through interstate commerce to the state of Utah, to Person B, a threat to injure Person B, to wit it stated: “Either she meets me face to face or you will no longer have a bulcing to work in”: all in violation of 18 U.S.C. 875.

**COUNT III**

18 U.S.C. § 2261A(2) (Cyberstalking)

On or about March 24 through March 27, 2022, in the District of Utah,

AARON DAVID KIRSCHNER,

the defendant herein, with the intent to injure, harass, and cause substantial emotional distress to a person in Utah, used facilities of interstate or foreign commerce, including electronic communication system in conjunction with his cellular phone, to engage in a course of conduct that caused substantial emotional distress to the victim, Person A, and placed Person A in reasonable fear of death or serious bodily injury; or attempted to do so, all in violation of 18 U.S.C. § 2261A(2).

This complaint is made on the basis of investigation consisting of the following:

1. I, Robert Garcia, do on oath make complaint, say and depose the following on this 28<sup>th</sup> day of March, 2022: That I am currently a Police Detective with the U.S. Department of Veterans Affairs (VA) Police since May 2019: I received certified Peace Officer training from the San Diego Regional California P.O.S.T. Academy in 2008, certified Police Officer training from V.A. Law Enforcement Training Academy in 2019, and Investigator I training from V.A. Law Enforcement Training Academy in 2022.
2. I make this affidavit in support of the issuance of an arrest warrant for AARON DAVID KIRSCHNER (hereinafter, "KIRSCHNER"). This affidavit sets forth information provided to me by other law enforcement officers and is also based upon my personal knowledge and investigation. This affidavit does not include each and every fact known to me but those related to a violation of 18 U.S.C. §

2261A(2) (Cyberstalking) and 18 U.S.C. § 875(c) (Interstate Threats). Both offenses are classified as felonies. Information developed to date as a result of my investigation and the investigation of others revealed the following:

- a. KIRSCHNER is described as a white male adult, with a date of birth of 11/20/1973, with a height of 5'08" and weighs approximately 190 pounds, with blonde hair and blue eyes.
- b. On March 24, 2022, to March 27, 2022, KIRSCHNER used his cellular phone, electronical mail, and his computer to repeatedly make phone calls to the U.S. Department of Veterans Affairs George E. Wahlen Medical Center with the intent of intimidate and harass as many as five identified V.A. employees who received his telephone calls and electronic mail.
- c. These five V.A. employees identified KIRSCHNER by his voice (from prior conversations), by his cellular phone number he was calling with, from his electronic mail with his name contained among the e-mail, and/or from self-disclosure of his identity.
- d. Numerous witnesses suffered substantial emotional distress resulting from KIRSCHNER's threats, insults, and repeated calls, and caused one witness to be in fear of her life.
- e. KIRSCHNER made the following threats over the telephone:
  - (a) "Tell [the chief of staff identified by name] she is a dead woman."

- (b) “I am in the lobby of the main building; I’m looking at the Utah campus; I am not going home; nobody is going home.”
- (c) “You are going to die; Nobody is going home today; You think I am joking but I am not.”
- (d) “There are two more dead bodies and that it will be on your hands”
- (e) “You are not to hang up again, because if you do, I will put you to the ground and you will not get to see your family again.
- f. From March 24, 2022, to March 27, 2022, KIRSCHNER used his computer and his cellular phone to make approximately 609 calls (under the guise of an unknown number or under his own cellular number) to the George E. Wahlen Medical Center.
- g. When KIRSCHNER was not calling to communicate his threats, he disclosed, to as many as three reliable witnesses, that he had been using his computer to call with virtual phone numbers to occupy as many V.A. medical center phone lines as he could, occupying as many as five phone lines (reported by five employees in two departments) with the intent to annoy and harass until his demands were met.
- h. Threats throughout the course of KIRSCHNER’s conduct from March 24 – March 27, 2022, KIRSCHNER transmitted the following threats to kill or injure via electronic mail to two identified witnesses—Persons A and B identified in Counts 1 and 2 above:

- (a) “Just bought you might want to know that you are the direct cause off 3 more bodies... mine and whomever I happen to see comedown my drive
- (b) “8 you will immediately have any pending police intervention canceled, Any deviation will result in your body count increasing”
- (c) “Oh wait I forgot if you are not at the operators desk when I call then you had god better not show up ever again because I have no problem putting a bullet in your head”
- (d) “Either she meets me face to face or you will no longer have a bulcing to work in

Based on the foregoing information, your affiant respectfully requests that a warrant of arrest be issued for AARON DAVID KIRSCHNER for a violations of 18 U.S.C. §§875 and 2261A(2)(a).

/s/ Robert Garcia  
Affiant,  
Detective Robert Garcia

SUBSCRIBED AND SWORN to before me via video-teleconference this 28<sup>th</sup> day of March, 2022.

  
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Jared C. Bennett  
U.S. Magistrate Judge, District of Utah

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APPROVED:

ANDREA T. MARTINEZ

United States Attorney

/s/ Cameron P. Warner

Cameron P. Warner

Assistant United States Attorney